

S/N 10/768,723

Atty Dkt No. GP-303333 (GM-0420PUS)

## REMARKS

Claims 1-20 are pending in this application. Claim 17 is rejected under 35 U.S.C. § 112, second paragraph. Claims 1 and 8-15 are rejected under 35 U.S.C. § 102(e). Claims 2-7 and 16-17 are objected to as being dependent on a rejected base claim. Claims 18-20 are allowed.

Drawings

The Examiner objects to the drawings as failing to comply with 37 C.F.R. 1.84(p)(5) because they do not include the following reference signs mentioned in the description: 84', 86', 34'. As set forth in paragraph [0047]:

The vehicle frame 82 includes front hinge pillars 84, 84'. The front hinge pillars 84, 84' each have a forward edge 86, 86', respectively. The third panel 70 is configured such that, when the panel 70 is connected to the frame 82, the forward edges 86, 86' substantially continuously abut the third panel 70 at or near edges Q, Q', respectively. The connection of the third panel 70 to the frame 82 represents body-on-frame architecture. (The incorporation of the cross beam 16' into the third panel 70 represents body-frame-integral architecture). When connected in this manner, the bulkhead 14' separates the front compartment 34' from a passenger compartment 30' of the vehicle 24'. (emphasis added).

Thus, on the attached Replacement Sheet, redundant reference numerals 84 and 86 have been changed to 84' and 86' to denote the front pillar 84' and the forward edge 86', respectively. The reference numeral 34 has been changed to 34' to denote the front

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compartment described in paragraph [0047]. These drawing changes include no new matter.

Claim Rejection Under 35 U.S.C. § 112

The Examiner rejects claim 17 under 35 U.S.C. § 112, second paragraph, for lacking sufficient antecedent basis for the limitation "two opposing fenders" recited in the claim. The Examiner suggested that the dependence of claim 17 be changed from claim 14 to claim 16. The claim has been amended, as suggested by the Examiner. The limitation "two opposing fenders" recited in claim 16 provides sufficient antecedent basis for the "two opposing fenders" of amended claim 17. Accordingly, the rejection under Section 112, second paragraph is believed to be overcome.

Claim Rejections Under 35 U.S.C. § 102(e)

The Examiner rejects claims 1 and 8-13 under 35 U.S.C. § 102(e) as being anticipated by Seksaria et al., United States Patent No. 6,755,461. According to the Examiner, Seksaria et al. discloses:

a front structure for a vehicle comprising a unitary panel (figure 5) formed to at least partially define a vehicle cowl and a vehicle bulkhead, and wherein the unitary panel is further configured to at least partially define a front compartment of the vehicle.

For a claim to be properly rejected as anticipated under 35 U.S.C. § 102, every element and limitation found in the rejected claim must be found in the Section 102 reference cited by the Examiner. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See MPEP §2131.

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Seksaria et al. Do Not Disclose a Unitary Panel

Seksaria et al. do not disclose each of the elements and limitations found in claim 1. First, with respect to claim 1, Applicants claim "a front structure ... comprising a **unitary panel** formed to at least partially define a vehicle cowl and a vehicle bulkhead" (emphasis added). Applicants direct the Examiner's attention to paragraph [0005] of the Specification, which defines "unitary" as being a "continuous one-piece panel."

In contrast, nowhere do Seksaria et al. teach a **unitary panel** formed to at least partially define a vehicle and a vehicle bulkhead. Seksaria et al. disclose:

the bulkhead assembly 100 is generally comprised of a **cast**, preferably unitary, bulkhead 102 and a plurality of components or parts, such as structural members of the motor vehicle, attached to the bulkhead 102. (Col. 8, lines 12-15) (emphasis added)

Furthermore, Seksaria et al.'s unitary bulkhead 102 is:

preferably an ultra-large **casting** of aluminum or aluminum alloy or a similar material such as magnesium alloy or **formed of fiber reinforced polymer composite materials**. The bulkhead 102 is a unitary bulkhead that replaces the typical 10 to 15 stamped steel parts typically used in existing bulkhead designs. The use of aluminum and aluminum alloys reduces the weight of bulkhead 102 in comparison to traditional bulkhead designs. The bulkhead 102 may also be formed of multiple cast components, each preferably cast from aluminum alloy, and joined together by means customary in the art. (Col. 8, lines 20-30) (emphasis added).

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Thus at most, Seksaria et al. teach a cast bulkhead, or a bulkhead formed of fiber reinforced polymer composite materials. Those skilled in the art understand that both casting and forming polymer composite materials require melting the base material so that it takes on a specific mold shape. Neither casting nor forming polymer composite materials teaches the use of material in panel form. Thus, Seksaria et al. do not teach "a unitary **panel** formed . . . to define a vehicle cowl and a vehicle bulkhead" as required by claim 1.

Seksaria et al.'s Cowl is a Separate Component from the Bulkhead

A vehicle cowl as specified in Applicants' claim 1 (i.e., formed from the same panel as the bulkhead) is not disclosed by Seksaria et al. Applicant's cowl is defined in paragraph [0003] of the Specification as the "vehicle panel or structure generally located between the hood and windshield of a vehicle and transversely spanning the vehicle." The cowl specified in claim 1 is part of the unitary panel that also forms the bulkhead. Seksaria et al. do not specify a cowl per se. It appears that the Examiner relies on the windshield cross member 144 of Seksaria et al. as the cowl. However, the windshield cross member 144 is a structural member 128 which is an "additional part[s] or component[s]" that is "mounted to the bulkhead" (see col. 8, line 66, col. 9, line 6 - col. 9, lines 29-31). Accordingly, Seksaria et al.'s cowl cannot be part of a "unitary panel" that also "partially defines . . . the bulkhead" as required by claim 1. For this reason also, claim 1 is not anticipated under Section 102(e) by Seksaria et al.

Furthermore, with respect to claim 9, Applicants claim the "front structure of claim 1, wherein said **cowl comprises a structural cross beam**, said cross beam being configured to extend across the front compartment." As discussed above, the cowl recited in claim 1 is part of the unitary panel that forms the bulkhead. In claim 9, the "cowl comprises a structural cross beam." Hence the structural cross beam recited in claim 9 is also part of the unitary panel that forms the bulkhead and cowl. In contrast, Seksaria et al. specifically state that the "windshield cross member 144" is an "additional part[s] or component[s]" that is "mounted to the bulkhead." (see col. 8, line 66 - col. 9, line 5-6; col. 9, lines 29-31)(emphasis added). Thus, the cross member in Seksaria et. al is **not part of the unitary panel** that forms the bulkhead and cowl; i.e., it is not part of a continuous panel as is the structural cross beam of Applicants' claim 9.

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Thus, for this reason as well, claim 9 is not anticipated under Section 102(e) by Seksaria et al.

With respect to claim 12, the Examiner points to structure referenced by numbers 108 and 110 as denoting the two "front hinge pillars" (see page 4, line 1 of the Office Action). As noted in Column 8, lines 42-44, reference numbers 108 and 100 denote the ends of the bulkhead 102 and are not two "front hinge pillars". Seksaria et. al disclose door hinge pillars listed as 132 and 134 (col. 9, line 3, 9, 10-11, 13).

Additionally, claims 8 through 13, which depend from Claim 1, are allowable for at least the same reasons as Claim 1. Thus, because Seksaria et al. do not disclose "a unitary **panel** formed to at least partially define a vehicle **cowl** and a vehicle **bulkhead**, and wherein the unitary panel is further configured to at least partially define a front compartment of the vehicle" as required by claim 1, Seksaria et al. do not anticipate claim 1, nor claims 8-13.

#### Claim Rejections Under 35 U.S.C. § 102(e)

The Examiner rejects claims 14 and 15 under 35 U.S.C. § 102(e) as being anticipated by Carsley et al., United States Patent Application No. 2003/0192362. Claim 14 is cancelled and claim 15 is amended to depend from claim 16. Applicants request renumbering of the claims upon allowance such that claim 15 appears subsequent to claim 16, from which it now depends.

#### Allowable Subject Matter

The Examiner objects to claims 2-7 and 16-17 as being dependent on a rejected base claim and states that the claims would be "allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims."

As suggested, Applicants have rewritten claim 2 in independent form to include all of the elements and limitations of claim 1. Claim 3 has been amended to depend from claim 2. Original claims 4-7 depend from claim 3. Thus, it is believed that, with the amendments to claims 2 and 3, the objections to claims 2-7 are overcome.

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Applicants have rewritten claim 16 in independent form to incorporate all of the elements and limitations of original claim 14. Claim 17 has been amended to depend from claim 16. Thus, the objection to claims 16 and 17 is believed to be overcome. Additionally, Applicants have amended claim 15 to depend from claim 16 rather than cancelled claim 14. Thus, claim 15 is also believed to be allowable.

Applicants appreciate the allowance of claims 18-20.

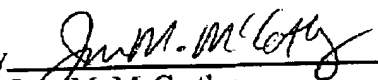
### Conclusion

In light of the above remarks with respect to the rejection of claims 1, 8-13 and 15 under Section 102(e), the cancellation of claim 14, and the amendments to claims 2, 3, and 14-17, it is believed that remaining claims 1-13 and 15-17 are in condition for allowance along with allowed claims 18-20, which action is respectfully requested.

Respectfully submitted,

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